

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff.

v.

TIMOTHY JOSEPH LEIWEKE,

Defendant.

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Criminal No. 1:25-CR-00344 ADA

ORDER ON MOTION TO ENTER SCHEDULING ORDER

The Court having duly considered the Government's Motion to Enter Scheduling Order, the Government's Proposed Scheduling Order and the Defendant's Response thereto, and pursuant to Rule 12(c)(1) of the Federal Rules of Criminal Procedure, hereby **GRANTS** the Motion, and **ORDERS** that the Government's Proposed Scheduling Order is adopted.

So Ordered this _____ day of _____, 2025.

Alan D. Albright
United States District Judge

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff.

v.

TIMOTHY JOSEPH LEIWEKE,

Defendant.

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Criminal No. 1:25-CR-00344 ADA

GOVERNMENT’S PROPOSED SCHEDULING ORDER

Discovery and Notices

1. To the extent not already provided, the Government shall provide discovery required by Fed. R. Crim. Proc. 16(a)(1), other than expert disclosures, no later than October 10, 2025.

2. To the extent not already provided, the Government shall provide any exculpatory evidence, within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, on or before October 10, 2025. Any exculpatory evidence that becomes known to the Government after that date shall be disclosed reasonably promptly after becoming known to the Government.

3. The Defendant shall provide all discovery required by Fed. R. Crim. Proc. 16(b)(1) on or before October 10, 2025.

4. The Defendant shall provide any and all notices required by Fed. R. Crim. Proc. 12.1, 12.2, and 12.3 on or before October 10, 2025.

Pretrial Motions

5. The following shall be the schedule for pretrial motions, other than motions *in limine*, in this matter:

- a. The parties shall file any and all pretrial motions, including motions pursuant to Fed. Rs. Crim. P. 12(b) and 41(h), on or before October 17, 2025.
- b. The parties shall file any response to any such pretrial motion on or before October 31, 2025.
- c. The parties shall file any reply on or before November 7, 2025.

Trial

6. The Government shall provide its pre-marked exhibits on or before November 10, 2025.

- a. The authenticity and chain of custody of the Government's pre-marked exhibits shall be deemed to have been accepted unless an objection is asserted in accordance with paragraph 1(b).
- b. If the Defendant wishes to contest the authenticity or chain of custody of an exhibit, the Defendant shall file, on or before November 17, 2025, a notice that the authenticity or chain of custody will be contested at trial, together with a statement delineating why the exhibit is being challenged and a certification that the challenge is being made in good faith.

7. The Defendant shall provide its pre-marked exhibits on or before November 24, 2025.

- c. The authenticity and chain of custody of the Defendant's pre-marked exhibits shall be deemed to have been accepted unless an objection is

asserted in accordance with paragraph 2(b).

- d. If the Government wishes to contest the authenticity or chain of custody of an exhibit, counsel for the Government shall file, on or before commencement of trial, a notice that the authenticity or chain of custody of the exhibit will be contested at trial together with a statement delineating why the exhibit is being challenged and a certification that the challenge is being made in good faith.
8. The Government shall provide all material to be disclosed under *Giglio v. United States*, 405 U.S. 150 (1972), and its progeny, no later than October 31, 2025, and shall provide any material to be provided under the Jencks Act, 18 U.S.C. §3500, on or before the same date.
9. The Defendant shall produce all “reverse Jencks” under Federal Rule of Criminal Procedure 26.2 no later than November 17, 2025.
10. If the Government intends to offer any Rule 404(b) evidence, the Government shall provide notice of this evidence in the form delineated in Federal Rule of Evidence 404(b)(3) on or before October 31, 2025.
11. If the Defendant intends to offer any “reverse Rule 404(b)” evidence, the Defendant shall provide notice of this evidence in the form delineated in Federal Rule of Evidence 404(b)(3) on or before November 17, 2025.
12. The parties shall file any in *limine* motions, addressed to the admissibility of evidence, on or before October 31, 2025, responses to such motions may be filed on or before November 10, 2025; replies, if any, may be filed on or before November 24, 2025.

13. The parties shall file any *voir dire* requests on or before November 24, 2025.
14. The parties shall file any requests to charge addressed to (a) preliminary instructions to the jury, and (b) the elements of the offenses at issue, on or before November 24, 2025.
15. The parties shall file witness lists on or before November 24, 2025.
16. The parties shall file demonstratives (or illustrative aids pursuant to Rule 107) or other summary exhibits (pursuant to Rule 1006) on or before November 24, 2025.
17. The parties shall file any trial memoranda on or before November 17, 2025.
18. The Court will hold a final pretrial conference on November 17, 2025.

SIGNED this _____ day of _____, 20__.

Alan D. Albright
United States District Judge